

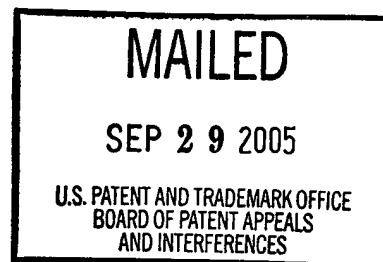
The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte KESATOSHI TAKEUCHI

Application No. 09/776,677



ORDER RETURNING UNDOCKETED APPEAL

This application was received electronically at the Board of Patent Appeals and Interferences on July 29, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner. The matters requiring attention prior to docketing are identified below.

On March 10, 2005, an Examiner's Answer was mailed. A review of the Examiner's Answer reveals that is not in compliance with the headings as set forth in the new rules under 37 CFR 41.37(c). Correction is required.

Further, appellant filed an Information Disclosure Statement (IDS) on October 12, 2004. It is not clear from the record whether or not this IDS has been considered and the Form 1449 needs to be signed. The examiner needs to consider the Information Disclosure Statement and

acknowledge such consideration.


Accordingly, it is

ORDERED that the application is returned to the examiner for:

- 1) vacate the Examiner's Answer dated June 5, 2003,
- 2) prepare a substitute Examiner's Answer to include all appropriate heading in accordance with the new rules effective September 13, 2004;
- 3) consideration and proper written response to the Information Disclosure Statement filed October 12, 2004;
- 4) the examiner's signature on the 1449 is required; and
- 5) for such further action as may be appropriate.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the status of the appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS
AND INTERFERENCES



CRAIG R. FEINBERG
Program and Resource Administrator
(571) 272-9797

CRG/dpv

Application No. 09/776,677

OBLONG, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, PC
1940 Duke Street
Alexandria, Va 22314